

**ORIGINAL**  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JAN 30 2003

LUTHER D. THOMAS, Clerk  
By: *[Signature]* Deputy Clerk

MARCIAL DAVIS, )

Plaintiff, )

v. )

WORLD CHAMPIONSHIP WRESTLING, )

INC., TURNER SPORTS, INC. and )

TURNER BROADCASTING SYSTEM, )

INC. )

Defendants. )

Civil Action File No.:  
1:00-CV-1716 (CC)

**JURY TRIAL DEMANDED**

**PLAINTIFF'S STATEMENT OF MATERIAL FACTS TO WHICH  
THERE EXIST GENUINE ISSUES TO BE TRIED**

Pursuant to Local Rule 56.1(b)(2), in response to Defendants' Motion for Summary Judgment, Plaintiff William Worthen, hereby files this Statement of Material Facts to Which There Exist Genuine Issues to be Tried, showing the Court the following:

**I. DISPUTED FACTS REGARDING WCW'S HISTORY OF ITS TREATMENT OF  
AFRICAN-AMERICANS**

1.

In 1993 or 1994, when baseball legend **Henry ("Hank") Aaron** participated in a WCW event, the existing WCW president, Bill Watts, stated that he did not want "that nigger on my TV."  
(Randall Anderson Dep. at 102.)

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2.

Bill Watts was a very "bigoted individual" who used racial slurs or racially derogatory language about "every other sentence." (Juster Dep. at 119.)

3.

Bill Watts referred to the compensation that he paid to legendary African-American wrestler Junkyard dog as "slave wages." (Juster Dep. at 118.)

4.

Ole Anderson, a "Booker" who worked on WCW's "Booking Committee," which determined the storylines for WCW wrestling matches, told Thunderbolt Patterson, an African-American wrestler, that the Turner and WCW officials did not really consider him "as [a] person"; "you are a nigger -- you will never be a promoter like you want to be." (Patterson Dep. at 42-43.)

5.

In the mid-nineties Black Jack Mulligan, a WCW trainer, informed Bobby Walker that "the only reason you're here is because they need color on the TV." (Bobby Walker Dep. at 162-163.)

6.

Timothy Goodly, the Turner Sports Human Resource manager who was assigned to provide Human Resource support to WCW, acknowledged that the fact that WCW only had Caucasians become world champions "might be considered a red flag" as to whether WCW's decision-making process was discriminatory. (Goodly Dep. at 95-97.)

**II. WCW'S MANAGEMENT WAS VIRTUALLY ALL CAUCASIAN**

7.

With the exception of Valerie Ragsdale, WCW's Senior Webmaster from 1997 to 1999, and Pie Smith, a mid-level manager at WCW's merchandising warehouse, WCW did not have any African-American managers. (Goodly Dep. at 34, 37-39; Loretta Walker Dep. at 18, 49-50.)

8.

Although Tim Goodly identified Ms. Pamela Collins as an African-American mid-level manager, (Goodly Dep. at 38-39), WCW never actually provided Ms. Collins a management position, as she remained the call-center "coordinator." (Collins Aff. ¶¶ 3-4, Tab AA; see also Plaintiffs' Ex. 5, Tab CC.)

9.

Goodly acknowledged that the minority representation at WCW "was not, I guess, consistent with what I knew to be good HR practice." (Goodly Dep. at 49.)

**III. DISPUTED FACTS AS TO WHETHER TURNER SPORTS, TBS, TEG, and WCW MAINTAINED ANY POLICY OR PROCEDURE TO ENSURE THAT WCW DID NOT DISCRIMINATE AGAINST WRESTLERS**

10.

WCW did not have any policies or procedures to ensure that wrestlers were not discriminated against. (Ferrara Dep. at 52; Smith Dep. at 95; Loretta Walker Dep. at 21.)

11.

Ed Ferrara, a Booker, was not aware of any WCW official that had communicated that WCW needed not to discriminate against wrestlers. (Ferrara Dep. at 52-53.)

12.

Human Resource Manager Timothy Goodly was only concerned with WCW "employees" in fulfilling his job duties as Director of Human Resources for WCW; Goodly didn't have "any official duties as related to talent." (Goodly Dep. at 63.)

13.

As to the persons who were supposedly ensuring that WCW did not discriminate in its handling of contracts with wrestlers, Goodly testified that Eric Bischoff, WCW's President, was primarily responsible, but possibly Diana Meyers, WCW's attorney, and Bill Busch, a Vice President at WCW, as well. (Goodly Dep. at 65-67.)

14.

Loretta Walker, who replaced Timothy Goodly as the person responsible for providing human resource support to WCW, testified that she did not know who, if anybody, was responsible for ensuring that the wrestlers did not suffer discrimination. (Loretta Walker Dep. at 6-13.)

15.

Loretta Walker agreed that she did not have any duties with respect to the wrestlers because it was Turner's practice not to provide assurance that persons who were classified as independent contractors would be treated in a fair and non-discriminatory manner. (Loretta Walker Dep. at 12-13.)

16.

Loretta Walker did not believe that she had any duty to ensure that workers classified as independent contractors at Turner Entertainment Group ("TEG") or Turner Studios were free from discrimination in the workplace. (Loretta Walker Dep. at 23, 73-74.)

17.

Although Loretta Walker testified that an "independent contractor" who had an issue regarding discrimination could have reported it to WCW's attorney, Diana Myers, Ms. Walker was not aware of any actions taken by Diana Myers to ensure that the

persons performing on a contract basis at WCW were not discriminated against based on their race. (Loretta Walker Dep. at 74-75, 79.)

18.

Diana Myers stated that if an "independent contractor at WCW felt he was discriminated against, he should complain to J.J. Dillon." (Myers Dep. at 175.)

19.

Even though Goodly did not have an official role as to WCW wrestlers, he noticed a lack of diversity and therefore told Eric Bischoff, WCW's President, that WCW needed more "diverse talent." (Goodly Dep. at 69-70.)

20.

In response to Goodly's suggestions, Bischoff stated that he was going to ensure that the talent pool at the Power Plant would be diverse, but Goodly was not aware of any actions taken to ensure that any minorities at the Power Plant actually received exposure or meaningful opportunities to succeed. (Goodly Dep. at 74-78.)

21.

Goodly admitted to Bobby Walker that he was "aware" of WCW's discrimination, but he had a "job" too. (Bobby Walker Dep. at 254.)

**IV. DISPUTED FACTS REGARDING WCW'S DECISION-MAKERS USING  
RACIAL SLURS AND/OR DEMONSTRATING RACIAL BIAS**

**A. TERRY TAYLOR**

**1. Taylor's Role at WCW**

22.

Terry Taylor worked on WCW's Booking Committee beginning in 1996; Taylor was also responsible for locating and recruiting wrestling talent and for working in talent relations. (Taylor Dep. at 44.)

23.

Terry Taylor was also specifically involved in selecting WCW wrestlers from the Power Plant; he "worked pretty close with the Power Plant and the young guys" and frequently went to the Power Plant to evaluate wrestlers. (Lunde Dep. at 13-14.)

24.

Jody Hamilton, manager of the Power Plant, testified that Terry Taylor was one of the principal persons who evaluated the wrestling talent at the Power Plant. (Hamilton Dep. at 29.)

25.

Terry Taylor was also responsible for working with some of the wrestlers on their wrestling moves and techniques. (Ferrara Dep. at 51.)

**2. Taylor's Statements and Remarks**

26.

Terry Taylor used the word "nigger" quite a bit. (Randall Anderson Dep. at 107.)

27.

Terry Taylor would say "that stupid nigger" when referring to an African-American wrestler, and often used the word "nigger" when talking to other WCW officials while traveling on WCW business. (Randall Anderson Dep. at 85, 172-173.)

28.

On one occasion, Terry Taylor stated that "there [wouldn't] be any brothers on the show" because he did not want any African-Americans to take the "limelight" from a Caucasian wrestler, Hulk Hogan. (Williams Aff. ¶ 39, Tab X; Williams Dep. at 54-57).

29.

There were no African-Americans on the televised portion of above-described WCW show. (Id.)

30.

Terry Taylor stated "that damn Hardbody is a no good nigger." (Snakovsky Dep. at 108, 140; Snakovsky Aff. ¶ 18, Tab J.)



31.

Terry Taylor frequently used racial slurs, including "nigger" when referring to WCW wrestlers and while working on the Booking Committee. (Sullivan Dep. at 51.)

32.

Terry Taylor stated to Hardbody Norris, "why don't you take your dumb ass and black self and get the hell out of here?" (Snakovsky Dep. at 62.)

33.

Terry Taylor constantly used the word "nigger" whenever he was talking about African-American people and African-American wrestlers. (Snakovsky Dep. at 75-77; Snakovsky Aff. at ¶ 4, Tab J.)

34.

Michelle Bayens, an assistant producer to whom Terry Taylor once confided on a regular basis, testified that when Taylor informed her that Bobby Walker had called him a "racist," he stated, "I don't know if I'm a racist but I know that . . . [h]e's a nigger with no talent." (Bayens Dep. at 19.)

35.

Terry Taylor stated that neither Bobby Walker nor Hardbody Harris would make it in the wrestling profession because they were "black" and each was a "nigger" with "no talent." (Snakovsky Aff. ¶ 7, Tab J; Snakovsky Dep. at 76.)

36.

Terry Taylor told Rick Reeves, an African-American wrestler, "we've got enough of y'all boys already." (Reeves Dep. at 54-56.)

37.

Plaintiff Rick Reeves heard Terry Taylor use the word "nigger" in various conversations. (Reeves Dep. at 85.)

38.

Terry Taylor stated that black wrestlers "weren't much of a draw" in his opinion. (Bayens Dep. at 19, 62-63.)

39.

Terry Taylor stated that black persons had great physiques because they were genetically inclined or predisposed, but that he questioned their ability to wrestle. (Bayens Dep. at 21-22, 64-65.)

40.

Terry Taylor stated that Ernest Miller, an African-American wrestler, was "another nigger with no talent . . ." and joked about having called Ernest Miller a nigger to his face. (Bayens Dep. at 20.)

41.

Terry Taylor stated that black wrestlers "shouldn't be in our sport, they should be in basketball." (Snakovsky Dep. at 78.)

42.

Terry Taylor stated that "a lot of the black people wouldn't make it in the business because they are black as long as he had something to do with it." (Snakovsky Dep. at 78.)

43.

As to the African-American wrestler Elix Skipper, Terry Taylor once stated that "I don't care if this kid is good or not. He is a black kid. He ain't going nowhere in this business." (Snakovsky Dep. at 79.)

44.

On one occasion, when Hardbody Norris, an African-American wrestler, was performing at Disney World, Terry Taylor stated "he ain't never gonna make it in this business" and that he should go back to basketball or ultimate fighting, or whatever he was doing prior to wrestling. (Snakovsky Dep. at 82-83.)

45.

As to Bobby Walker, when Bobby Walker was jumping off the ropes, Taylor stated "that nigger, he's not good for jumping, so he should go play basketball too." (Snakovsky Dep. at 83-84.)

46.

Terry Taylor constantly reminded Ernest Miller that Miller only had a job because he was black, and that WCW did not market toward blacks because "we only have white fans and they're

[going] to look at you as a nigger." (Miller Dep. at 66, 101; Hart Dep. at 70-71.)

47.

According to Snakovsky, a WCW performer, Terry Taylor also demonstrated bias against minorities by the "way he would talk to them and his actions towards them." (Snakovsky Dep. at 98.)

48.

Terry Taylor told African-American wrestler Booker T Huffman that the only reason Huffman was successful was because he was black. (Goodley Dep. at 81-82.)

49.

When African-American wrestler Ernest Miller was not required to work on a particular occasion, Terry Taylor told him that "I know y'all like to take the day off." (Miller Dep. at 60.)

50.

Terry Taylor stated that "blacks don't buy wrestling tickets." (Williams Aff. ¶ 14, Tab X.)

51.

Terry Taylor called Ernest Miller a "nigger" on several occasions. (Miller Dep. at 66, 99-101.)

52.

Moses Williams, who worked in WCW production, also heard Terry Taylor use the word "nigger" while Terry Taylor was in charge of the Booking Committee. (Williams Dep. at 108-109.)

53.

On one occasion, when WCW's ring announcer, David Penzer, brought in a Caucasian wrestler to replace an African-American wrestler, Terry Taylor told him: "don't worry about the niggers, I'll take care of that." (Williams Dep. at 110.)

54.

Terry Taylor openly stated to Vince Russo, the Creative Director at WCW, that wrestling fans were White and that "Blacks don't buy wrestling tickets." (Williams Dep. at 111, 114-116; Williams Aff. ¶ 14, Tab X.)

55.

Terry Taylor did not observe African-American wrestlers in their matches. (Williams Dep. at 113.)

56.

Terry Taylor went out of his way to provide opportunities for white wrestlers even when they did not have any talent, but he would not similarly create opportunities for African-Americans. (Williams Dep. at 124-125.)

57.

Sharon Hill told Moses Williams that Terry Taylor had stated that Harrison Norris "ain't going to ever make it," and that Taylor called Harrison Norris "the dumb nigger." (Williams Dep. at 140-141.)

58.

When an African-American wrestler would make a mistake, Terry Taylor would make comments such as "that stupid nigger," or "just different stuff like that." (Randall Anderson Dep. at 111.)

59.

On a very cold winter day, Terry Taylor stated, "you'd better turn on the air conditioner because you know those niggers can't take the cold." (Carr Dep. at 92-93, Tab I.)

60.

Terry Taylor once stated that a wrestling association for Black wrestlers was a "big joke." (Carr Dep. at 103, Tab I.)

61.

On one occasion, when African-American Tony Carr was going to play a role as a fan in a show filmed for WCW in Montana, Terry Taylor said Carr could not play the role "because no one would believe there were niggers in Montana." (Carr Dep. at 139, Tab I.)

62.

Apparently referencing a demographic survey that was done by Turner, Terry Taylor stated that "Turner told us we don't need to use you all niggers." (Boulware Dep. at 71, 124-125, Tab H.)

63.

Terry Taylor admitted to Vince Russo, the Creative Director at WCW, that he had told Ernest Miller that the only reason why WCW hired Miller was because Miller was black. (Russo Dep. at 64.)

64.

When African-American wrestler William "Rocky" Boulware confronted Terry Taylor, and asked Taylor if a Caucasian wrestler got a contract instead of him because he was black, Taylor stated, "What do you think? Yes, it's because you're black." (Boulware Dep. at 101-102, Tab H.)

65.

When Rocky Boulware discussed pay differences between his salary and that of Caucasian wrestlers with Terry Taylor, Terry Taylor said that it was "the color of your skin, and you're not in the clique." (Boulware Dep. at 122-124, Tab H.)

**3. Disputed Facts Regarding WCW's Knowledge Of  
Taylor's Racial Bias**

66.

On March 1, 1998, Plaintiff Bobby Walker sent a letter to Eric Bischoff, the President of WCW, via certified mail, which stated that "Terry Taylor has made statements to me and others about how he felt about blacks" and that "I like I lost my job because of Terry Taylor's deep dislike for blacks." (Bischoff Dep. at 122-23; Plaintiffs' Exhibit 10, Tab DD.)

67.

On March 1, 1998, Mr. Walker sent a letter to Dr. Harvey Schiller, an executive at Turner Sports, regarding "racial discrimination," and informed Dr. Schiller that "I felt like I lost my job because of Terry Taylor's deep dislike for blacks." (Plaintiffs' Exhibit 15, Tab EE.)

68.

Eric Bischoff acknowledges that he knew that Terry Taylor had remarked that the only reason Ernest Miller was hired was because he was black. (Bischoff Dep. at 39.)

69.

Eric Bischoff knew that Terry Taylor had a conflict with the African-American wrestling tag team, the Harlem Heat, and acknowledges that Taylor's actions or comments regarding the



Harlem Heat were "racially offensive." (Bischoff Dep. at 41-42, 173.)

70.

Timothy Goodly, the Turner Manager assigned to address WCW's human resource issues, recalls a discussion with Eric Bischoff in which Bischoff informed Goodly that Terry Taylor had upset African-American wrestler Booker T by stating that "It [was] a good thing [he was] black." (Goodly Dep. at 81-82.)

71.

According to Timothy Goodly, the only discipline that Bischoff took against Terry Taylor was in stating to Taylor that the comments were inappropriate. (Goodly Dep. at 83.)

72.

Taylor remained in the same position on the Booking Committee after Bischoff purportedly reprimanded Taylor. (Goodly Dep. at 83-85.)

73.

In 1999 Taylor left WCW for ten months, but returned to WCW in or about November, 1999. (Taylor Dep. at 29, 37.)

**B. ERIC BISCHOFF**

**1. Bischoff's Role**

74.

Randall Anderson, who worked on the Booking Committee in 1996 and 1997, testified that Eric Bischoff had to approve all

decisions made by the Booking Committee. (Randall Anderson Dep. at 51-53.)

75.

Eric Bischoff was the ultimate decision-maker as to the top two or three matches on WCW's main events. (Bischoff Dep. at 48.)

76.

At all times that Eric Bischoff was in charge of WCW, he was ultimately responsible for determining which WCW wrestler would become the world heavyweight champion. (Lunde Dep. at 67-68.)

## **2. Bischoff's Statements**

77.

Eric Bischoff told members of the Booking Committee about a certain age group of Black persons who ostensibly would not watch WCW live events, and indicated that some Blacks wouldn't buy a ticket to an event but would instead stay at home and watch it on TV. (Randall Anderson Dep. at 177.)

78.

In this context, Bischoff told the members of the Booking Committee that they shouldn't worry about "pushing a Black or a nigger." (Id.)

76.

Eric Bischoff asked, "so why are we pushing some of the blacks and some of the niggers on our television show?" (Randall Anderson Dep. at 74-75.)

77.

Teddy Long and Harold Hogue, both African-American wrestlers, told Bobby Walker that Bischoff had stated that blacks would not pay to come to a Nitro event and "they'd rather watch it on TV." (Bobby Walker Dep. at 178.)

78.

On one occasion, when African-American wrestler Hardbody Harrison dressed up in a 70's disco outfit and had a big afro, Eric Bischoff stated "that's too niggerish for my television" and "canned" the idea. (Randall Anderson Dep. at 90, 177-178.)

79.

Eric Bischoff once stated that he "couldn't understand why [he was] putting all his money and TV time into a Black guy when they couldn't draw an arena house show." (Randall Anderson Dep. at 199-200.)

80.

On one occasion, when Eric Bischoff saw an African-American on a TV monitor, he stated "we need to get that crack nigger off the TV." (Randall Anderson Dep. at 76-77, 202.)

81.

An assistant producer testified that Eric Bischoff used the word "nigger" in relation to wrestlers on more than one occasion. (Kearce Dep. at 42-43.)

82.

On one occasion, during a wrestling event at the Omni, Bischoff removed all African-American wrestlers from the schedule and indicated that it was "white night." (Whatley Dep. at 132-134, Tab Y; Smith Dep. at 57; Bobby Walker Dep. at 177-178.)

83.

When Eric Bischoff denied a contract to African-American Rocky Boulware and Boulware asked J.J. Dillon, a trainer at the Power Plant, the reason for the denial, Dillon indicated that it was because Boulware was "Black." (Boulware Dep. at 135, Tab H.)

84.

When Thunderbolt Patterson, an African-American wrestler, tried to negotiate a contract with WCW through Eric Bischoff and Bill Busch, Bischoff stated, "we ain't fooling with niggers." (Patterson Dep. at 31.)

85.

When Thunderbolt Patterson wanted to work as a manager, Bischoff told him they didn't need any more managers; Bischoff

also stated, "we don't need no niggers." (Patterson Dep. at 76, 93.)

**C. VINCE RUSSO**

86.

At or about the time that Vince Russo, WCW's Creative Director, was hired for WCW, he expressed his belief that Asians and Hispanics should not succeed at WCW. (Plaintiffs' Exhibit 2, Tab FF.)

87.

Despite Russo's racist comments, WCW hired/retained Russo to work as its creative director on October 10, 1999. (Russo Dep. at 15.

88.

During the time that Vince Russo was the Creative Director, he "had the last word" on booking decisions, who would win the championships, and ultimately decided which wrestlers would receive a "push" and television exposure and which wrestlers would not. (Juster Dep. at 83 -84, 86-87; Ferrara Dep. at 11-14; Lunde Dep. at 67.)

89.

When Terry Taylor stated that the African-American wrestlers were not as good workers as the White wrestlers, Vince

Russo agreed and said "they're not as good workers." (Snakovsky Dep. at 82.)

90.

Vince Russo used racial slurs, including the word "nigger" when referring to wrestlers. (Sullivan Dep. at 55-56; Williams Dep. at 97-98; Kearce Dep. at 38.)

91.

According to Kevin Sullivan, a member of WCW's Booking Committee, Russo also called African-Americans "Moolions," which (according to Sullivan) refers to a tribe from Africa that battled with Sicilians. (Sullivan Dep. at 56.)

92.

Vince Russo indicated his racial bias by specifically referring to African-Americans as the "blacks" or "the brothers." (Williams Dep. at 86-88.)

93.

Vince Russo "went out of his way not to do anything special for Black wrestlers or non-White wrestlers" and focused his attention on Caucasians. (Williams Dep. at 89.)

94.

In one particular match, Vince Russo wanted Jeff Jarrett, a Caucasian wrestler, to hit African-American wrestler Booker T over the head, hit Booker T's wife and then put a noose around

Booker T, as if he were going to hang him. (Williams Dep. at 92-93.)

95.

Vince Russo stated that "Whites" rule wrestling. (Williams Dep. at 94-96.)

96.

Vince Russo indicated that "Black folks don't buy wrestling tickets anyway, wrestling fans are White." (Williams Dep. at 94-96.)

97.

In response to questions about the future of Booker T, an African-American wrestler, Russo stated, "if I say we're going to have a White champion, we'll have a White champion and you will know we'll have a Black champion when I say we're going to have one and not before then." (Williams Dep. at 94-96.)

98.

Moses Williams, who worked on WCW's production team, personally observed that Vince Russo avoided interaction and conversation with African-Americans. (Williams Dep. at 97-98.)

99.

Vince Russo demonstrated his favoritism for Caucasians by his body language and overall attitude; Russo would take the time to speak with Caucasian wrestlers, but would not similarly

interact with wrestlers who were Spanish, Oriental, or Black.  
(Williams Dep. at 104.)

100.

Vince Russo also stated that wrestling was a "white man sport" and that this was "why we don't have many black wrestlers." (Williams Aff. ¶ 12, Tab X.)

101.

Vince Russo indicated that WCW was going to have a "white champion" because "that's the way I want it." (Williams Aff. ¶ 12, Tab X.)

**D. JAMES MORRISON (J.J. DILLON)**

102.

At some point, James Morrison (a/k/a J.J. Dillon) became the manager of Talent and one of the principal decision-makers of WCW Talent. (Dillon Dep. at 31; Hamilton Dep. at 39.)

103.

J.J. Dillon referred to Moses Williams as the "good nigger" because Moses Williams "didn't make waves." (Williams Dep. at 27.)

104.

Moses Williams was told that when Darrell Miller, an African-American, sued WCW, Dillon asked why Miller was going to sue the company and asked "why doesn't he be like that good nigger Moses." (Williams Dep. at 27.)



105.

J.J. Dillon stated that he thought that a country music western song that used the word "nigger" was a "great" song. (Whatley Dep. at 62-63, Tab Y.)

106.

According to Pez Whatley, a WCW trainer, J.J. Dillon prevented African-Americans from advancing at WCW because J.J. Dillon was "as racist as they come." (Whatley Dep. at 62, Tab Y.)

107.

Teddy Long, a WCW wrestler, informed Bobby Walker that he knew that J.J. Dillon "did not like black persons." (Bobby Walker Dep. at 168.)

108.

Thunderbolt Patterson, an African-American wrestler, considered J.J. Dillon racist based on Dillon's conduct over several years, including Dillon's use of racial slurs such as "niggers." (Patterson Dep. at 101.)

**E. WCW Bookers**

109.

From 1995 through the end of WCW, the following persons worked as the primary Bookers and writers at WCW: Kevin Sullivan, Terry Taylor, Jimmy Hart, Annette Yother, Ed Ferrara, Dusty Rhodes, Terry Allen, Arn Anderson, Kevin Nash, Greg Gagne,

Ric Flair, Paul Orndorff, and wrestler Glen Gilberti. (Smith Dep. at 131; Yother Dep. at 13-16; Schiavone Dep. at 16-24; Sullivan Dep. at 13-14.)

110.

On one occasion, Arn Anderson and other WCW officials decided to have Rocky Boulware change his name to "Little Richard Marley . . . the nigger that was standing out in the yard;" they joked, "paint the nigger up." (Boulware Dep. at 49-50, Tab H.)

111.

Kevin Sullivan routinely used racial slurs, including "nigger." (Randall Anderson Dep. at 111; Kearce Dep. at 31-33.)

112.

Randall Anderson, who was a personal friend of Kevin Sullivan, Terry Taylor, Arn Anderson, and J.J. Dillon, testified: "I'm just saying they said the racist remark. And I know they didn't like blacks too much." (Randall Anderson Dep. at 109-110.)

113.

According to Randall Anderson, Arn Anderson would not share a room with African-Americans. (Randall Anderson Dep. at 111.)

114.

Arn Anderson called Teddy Long, an African-American wrestler, a "nigger". (Randall Anderson Dep. at 83, 175; Bobby Walker Dep. at 211.)

115.

Arn Anderson regularly used the term "nigger". (Randall Anderson Dep. at 83-84.)

116.

Both African-American and Caucasian wrestlers told Moses Williams that Arn Anderson did not care for Black wrestlers and that he had his Caucasian favorites. (Williams Dep. at 252.)

117.

On one occasion, when Plaintiff Bobby Walker was walking past the room where the Bookers met to decide the roles of the wrestlers regarding upcoming matches (the "war room"), he heard one of the persons in the war room comment, "What nigger we got tonight?" (Bobby Walker Dep. at 210-211.)

118.

One of WCW's producers testified: "a lot of the guys on the booking committee were, you know, white guys . . . and they just, I don't know, they felt different about putting Mexicans or black people or Asians over." (Kearce Dep. at 29.)

119.

Members of the Booking Committee "frequently" used racially derogatory language about people's race. (Kearce Dep. at 41.)

120.

Arn Anderson stated "I ain't piling a bunch of niggers in my car or a bunch of Mexicans in my car." (Randall Anderson Dep. 174.)

121.

Gary Juster, an executive at WCW, was sure he heard members of the Booking Committee use racial slurs: "virtually every minority, gay person, anyone out of the mainstream was joked about because that's the culture of pro sports, pro entertainment type of locker room." (Juster Dep. at 116.)

122.

According to Juster, "nothing was sacred" and people constantly joked "about just about everything . . . even about women, believe it or not." (Juster Dep. at 117.)

123.

**F. WCW'S MANAGERS AT THE POWER PLANT**

**1. Jody Hamilton**

124.

According to Brenda Smith, assistant to the Power Plant Manager, Jody Hamilton, when Jody Hamilton spoke on the

telephone with WCW officials about wrestlers in the Power Plant, he used words such as "jiggerboggie and lackey" to designate which wrestlers were African-American. (Smith Dep. at 19, 21, 122.)

125.

Brenda Smith believed that Jody Hamilton was racist based upon the manner in which he treated Caucasian wrestlers as compared to African-American wrestlers; Hamilton "picked on the Afro-Americans more so than he did on the Caucasians, as he pushed the Afro-Americans harder." (Smith Dep. at 34.)

126.

Brenda Smith stated that when Hamilton saw an African-American wrestler sitting or talking, he would make a statement such as "you need to get up off your lazy behind and do something," but he did not similarly address Caucasian wrestlers. (Smith Dep. at 34-35.)

127.

Brenda Smith stated that Jody Hamilton "would suggest the Caucasians to the bookers more so than he would the Afro-Americans." (Smith Dep. at 35.)

128.

Based upon the conversations she overheard with Jody Hamilton, Smith believed that his comments reflected racial bias in the wrestling industry. (Smith Dep. at 20.)

129.

Jody Hamilton told Thunderbolt Patterson that WCW officials wanted to "keep all the niggers in place." (Patterson Dep. at 30.)

130.

On one occasion, Hamilton arrived at the Power Plant after an absence, and, upon observing that many of the new WCW wrestling trainees were African-American, he responded "oh, a different color" and then indicated that this was not "something [he] expected." (Whatley Dep. at 95-96, Tab Y.)

131.

Black Jack Mulligan, a WCW trainer, told Pez Whatley, another WCW trainer, that Jody Hamilton had commented that there were "too many people of different color" at the Power Plant and discussed the color of the trainees. (Whatley Dep. at 97, Tab Y.)

132.

While manager of the Power Plant, Jody Hamilton stated to Tony Carr, "I don't know who's blowing smoke up your ass they ain't hiring no niggers." (Carr Dep. at 55, Tab I.)

133.

On another occasion, Jody Hamilton indicated to Tony Carr that WCW was "not hiring any Blacks, you know." (Carr Dep. at 55, Tab I.)

134.

Jody Hamilton made the following comment to Tony Carr: "Martin Luther King started off this problem and that's why Black people are having so much trouble now. -- He started segregation. -- A lot of Black people got, you know, sucked up in it because they weren't smart enough to keep up with the White people, so it's bringing down the society." (Carr Dep. at 97, Tab I.)

135.

When African-American performer Rock Boulware was allowed to work as a referee, Hamilton "got mad" and stated to Boulware that "you know that no Black person go over me and become no referee." (Boulware Dep. at 59-61, Tab H.)

136.

According to Rocky Boulware, Jody Hamilton regularly used words such as "nigger, buckwheat, crackhead." (Boulware Dep. at 73, Tab H.)

137.

Jody Hamilton told Rocky Boulware that there was a survey that showed that Black people would not pay \$100 or \$200 for a ticket and that Turner had said "why use the Blacks? We don't need them." (Boulware Dep. at 150, Tab H.)

138.

Jody Hamilton told African-American wrestler Rick Reeves that "we got enough of your kind down here." (Reeves Dep. at 59.)

139.

Jody Hamilton told Thunderbolt Patterson: "they don't fool with no niggers that they got problems. You're a problem. They don't want you to influence the other blacks. You asked for your money, you asked for equal opportunity, and they hadn't given it to you." (Patterson Dep. at 117.)

## **2. Paul Orndorff**

140.

According to Randall Anderson, a member of the Booking Committee, Power Plant manager Paul Orndorff "hated blacks." (Anderson Dep. at 106-107.)

141.

Paul Orndorff used the word "nigger" while he was a wrestler at WCW. (Randall Anderson Dep. at 170.)



142.

On one occasion, Paul Orndorff stated that "some of our black wrestlers are good . . . then you got some of the wrestlers that are niggers." (Hart Dep. at 117.)

143.

On one occasion, Paul Orndorff stated that the problem with America was that "niggers" were causing crimes and were responsible for "unemployment and rapes." (Onoo Dep. at 254-255.)

144.

Paul Orndorff told African-American wrestler Tony Carr that WCW was not "hiring niggers." (Carr Dep. at 95, Tab I.)

145.

Paul Orndorff told Rocky Boulware that he had received information from Turner Sports that "black people don't buy tickets; they don't use no niggers." (Boulware Dep. at 72-73, Tab H.)

146.

Paul Orndorff also used terms such as "nigger, buckwheat, and crackhead" to refer to African-Americans. (Boulware Dep. at 72-73, Tab H.)

**V. DISPUTED FACTS AS TO WCW PROMOTING AFRICAN-AMERICANS AFTER PLAINTIFFS FILED SUIT REGARDING RACE DISCRIMINATION**

147.

Although African-American Booker T became the champion on June 9, 2000, Vince Russo and Terry Taylor indicated that WCW made him the champion to respond to allegations of race discrimination. (Snakovsky Aff. ¶ 20, Tab J; see also Williams Aff. ¶¶ 20-23, Tab X.)

148.

Terry Taylor told Vince Russo that "they've got this discrimination against us -- we're going to have to do something, you know give somebody the belt -- Booker T looked really good and Booker T is a really great athlete . . . you know, maybe this will get rid of some of the heat on us right now." (Snakovsky Dep. at 86-87, 99-100, 102.)

**VI. ADDITIONAL DISPUTED FACTS**

149.

Ed Ferrara, a Booker, testified about a presentation from a marketing research firm to WCW, as follows:

Q. You understood them to say that basically there was going to be more black persons who were going to be watching it than there are going to actually be paying tickets to the events?

A. That's what I understood they were trying to get across, the facts they were trying to get across.

(Ferrara Dep. at 59)

150.

WCW maintained lists that designated wrestlers based on their race: "while you have your babyface talent, of course -- You have your heels and you'd have girls. Then Mexicans. You'd have blacks." (Anderson Dep. at 95-97.)

151.

Terry Taylor, Arn Anderson, J.J. Dillon and Dusty Rhodes all indicated to Rocky Boulware that "the Turner people basically told them, when no Black people come to the show, they didn't have to use no Black." (Boulware Dep. at 96, 124-125, Tab H.)

152.

Ms. Smith heard rumors that WCW officials believed Blacks "didn't pay for pay-per-views." (Smith Dep. at 58.)

153.

One of the principal bookers, Kevin Sullivan, testified that he was aware of the racial demographics of WCW's audience, which he believed was "predominantly white." (Sullivan Dep. at 23.)

154.

Many statements and rumors circulated throughout WCW that there were not enough "blacks" in the viewing audience and that African-Americans would not pay to see a wrestling event live. (Anderson Dep. at 184-185; Bobby Walker Dep. at 96-97.)

155.

Kevin Sullivan commented to Jimmy Hart that WCW had information that black fans were not going to pay for an arena seat. (Hart Dep. at 68-69.)

156.

Kevin Sullivan told Bobby Walker that WCW normally did not have "black on black" wrestling matches, i.e., a black wrestler opposing another black wrestler in the same match. (Bobby Walker Dep. at 80.)

157.

At times, Caucasian wrestlers indicated they did not want to wrestle with black wrestlers; for example, Lex Luger had a problem wrestling with African-American Junkyard Dog. (Randall Anderson Dep. at 113.)

158.

One of WCW's Caucasian decision-makers, testified that a new white wrestler would have a better opportunity than a new black wrestler. (Randall Anderson Dep. at 154-155.)

159.

Randall Anderson could not identify one African-American wrestler who came to WCW without experience and received intensive training similar to that provided to Caucasian wrestlers. (Randall Anderson Dep. at 159-160.)

160.

WCW security manager Doug Dillinger told Rocky Boulware that refereeing dog matches was a thing that "the nigger do."  
(Boulware Dep. at 61-62, Tab H.)

161.

On different occasions, Terry Taylor, J.J. Dillon and other members of WCW management told Rocky Boulware that he was paid differently because of his race. (Boulware Dep. at 127, Tab H.)

162.

On one occasion Terry Taylor and J.J. Dillon told Rocky Boulware not to bring his "White woman" around the matches.  
(Boulware Dep. at 138, Tab H.)

163.

When an African-American wrestler was in the ring at the WCW Power Plant, a Caucasian trainer stated that there was "soul food in the ring." (Carr Dep. at 92, Tab I.)

164.

On one occasion, in the presence of other individuals, David Crockett, a WCW Booker and executive, told Tony Carr to "get your Black ass back in there and tape those ropes." (Carr Dep. at 100, Tab I.)

165.

Randy Savage, a Booker and wrestler, told Pez Whatley that they were going to have changes in the Booking Committee, but that Whatley would not be selected and then "pointed to [Whatley's] skin." (Whatley Dep. at 135, Tab Y.)

166.

WCW trainer Pez Whatley warned African-American wrestlers that they were not going to get an equal opportunity and that it was going to be twice as hard for them to succeed. (Whatley Dep. at 139-140, Tab Y.)

167.

WCW trainer Pez Whatley concluded that African-American wrestlers had to be "twice as good as the White boys." (Whatley Dep. at 140, Tab Y.)

168.

On one occasion, wrestler Buddy Landell told Pez Whatley that "they ain't going to use you because you know what to do and they don't want no smart niggers working." (Whatley Dep. at 153-154, Tab Y.)

169.

On one occasion, WCW's ring announcer, David Penzer, indicated that WCW was not going to use Pez Whatley on a particular occasion because they already had "a token Black on TV." (Whatley Dep. at 154-155, Tab Y.)

170.

Pez Whatley, who worked in various jobs throughout WCW, stated that it was "not unusual for you to hear amongst the workplace, you know, the n-word or darkie." (Whatley Dep. at 161, Tab Y.)

171.

Pez Whatley testified that, as an African-American male, he had to be careful when interacting with Caucasian females to make sure that Caucasian males did not perceive him to be trying to entice the Caucasian females. (Whatley Dep. at 161, Tab Y.)

172.

On one occasion, Doug Dillinger, head a WCW security, stated that he didn't want to "hear no more of that nigger music." (Whatley Dep. at 167, Tab Y.)

173.

Pez Whatley stated that he heard Caucasian wrestlers Chris Kanyon and Diamond Dallas Page use the term "nigger" when referring to other wrestlers. (Whatley Dep. at 174, Tab Y.)

174.

On one occasion, Pez Whatley heard a Caucasian worker at WCW state that "I had to wait behind a Darkie too." (Whatley at 180-181, Tab Y.)

175.

Assistant Producer Michelle Bayens, a Caucasian, stated that "when you take a step back . . . it can definitely be said that [minority] wrestlers were treated less favorably or they weren't promoted because of the color of their skin." (Bayens Dep. at 94.)

176.

Some Caucasian wrestlers did not want to wrestle with African-Americans Craig Pittman and Ernest Miller. (Randall Anderson Dep. at 115-116.)

177.

Production worker Moses Williams often observed the tryouts at the Power Plant, and stated that he bet against African-American trainees "because they were destined to fail" regardless of how good they were. (Williams Dep. at 43-44.)



178.

WCW Caucasian trainer Mike Wenner did not "communicate well with Afro-Americans", treated Caucasian wrestlers differently, and did not give African-American wrestlers "the same respect that he would give the Caucasians" as he would work the African-Americans harder: [the] "Caucasian would just stop, when the Afro-American had to do 100 more push-ups and more." (Smith Dep. at 48-49.)

179.

Terry Taylor never said anything positive about any African-American wrestlers. (Williams Dep. at 54-56.)

180.

WCW routinely trained and assisted Caucasian wrestlers in their development; for example, some Caucasian wrestlers would receive round-the-clock personal training, and would receive necessary public exposure, but "I've never known of a Black wrestler they did that for." (Randall Anderson Dep. at 181.)

181.

Caucasian wrestlers were allowed to practice their public speaking abilities by using a microphone at a CNN studio; African-American wrestlers were not provided with this

additional microphone training. (Randall Anderson Dep. at 182-183.)

182.

The wrestlers routinely used racially derogatory language. (Randall Anderson Dep. at 103.)

183.

Juster stated that he "probably" heard wrestlers use racial slurs because "it was an atmosphere where there was a lot of joking around about virtually everything . . . whether it was racial, ethnic, sexual preference, male/female, political. It was a rowdy locker room type of atmosphere." (Juster Dep. at 124-125.)

184.

Several wrestlers did not want to wrestle Hardbody Norris, in part, because he was black. (Randall Anderson Dep. at 115.)

185.

According to one of WCW's producers, at WCW that "there's a lot of lies thrown around. -- There's a lot of bigotry thrown around. -- There's a lot of racism thrown around. -- There's a lot of sexual harassment thrown around." (Kearce Dep. at 27-28.)

186.

WCW trainer Pez Whatley testified that African-American wrestlers were overlooked by WCW's Caucasian personnel and gave the following example: Keith Mitchell, a Caucasian who worked on WCW's production team, and, Annette Yother, a Caucasian who worked on the Booking Committee, often overlooked big strong African-American wrestlers and preferred Caucasians, stating that they thought the Caucasians were "cute or had the long hair enough or they dyed their hair blonde." (Whatley Dep. at 142-143, Tab Y.)

187.

WCW selected many of the Caucasian wrestlers whom trainer Pez Whatley recommended for advancement, but never used any of the African-Americans he recommended in a main event. (Whatley Dep. at 144, Tab Y.)

188.

During a match, Willie Worthen, an African-American wrestler, was introduced as "Willie B" in reference to the famous gorilla at the Atlanta Zoo; when Mr. Worthen reported this to WCW trainers, "they just laughed about it." (Worthen Dep. at 101-102.)

189.

On one occasion, when Booker T got a tremendous reaction from the crowd, a wrestler asked trainer Dwayne Bruce "do you think that it is because of his super tan? And Bruce responded, "it doesn't take a scientist to figure out everything."  
(Easterling Dep. at 72-73.)

190.

A cameraman warned Easterling that WCW was a "good ol boys" network and that if someone used the "n" word, he should just "let it slide" if he wanted to succeed. (Easterling Dep. at 76-77.)

191.

Rocky King stated that WCW was "not hiring no blacks."  
(Carr Dep. at 49, Tab I.)

192.

On one occasion, the manager of WCW's Security Department, Doug Dillinger, stated that "yes, I used the N-word and I will use it again." (Williams Aff. ¶ 38, Tab X; Williams Dep. at 132-133.)

193.

Doug Dillinger, expressly stated that he would not have a "black" security person at WCW, and he never did employ an African-American. (Williams Dep. at 134-135.)

194.

When Tony Carr spoke with Doug Dillinger about becoming a security guard, Doug Dillinger informed Mr. Carr that he did not hire Blacks. (Carr Dep. at 111, Tab I.)

195.

Doug Dillinger never provided any merchandise or WCW paraphernalia to any African-American children. (Williams Dep. at 226-227.)

Respectfully submitted, this 30<sup>th</sup> day of January, 2003.

Cary Ichter w/ permission - MMKed  
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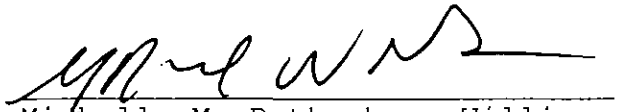
**CERTIFICATE OF SERVICE**

This is to certify that I have this date served opposing counsel to this action with the foregoing **PLAINTIFFS'**

**CONSOLIDATED STATEMENT OF MATERIAL FACTS TO WHICH THERE EXIST GENUINE ISSUES TO BE TRIED** by depositing a copy of the same in the United States Mail with adequate postage, addressed to one of the following:

Eric Richardson, Esq.  
Evan Pontz, Esq.  
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This 30<sup>th</sup> day of January, 2003.

  
\_\_\_\_\_  
Michelle M. Rothenberg-Williams  
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